

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

| | | |
|---------------------------------|---|-----------------------|
| B & S TRADING POST CORPORATION, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 10-03105-CV-S-DGK |
| |) | |
| ERIC H. HOLDER, JR, et al., |) | |
| |) | |
| Defendants. |) | |

ORDER DISMISSING CASE WITHOUT PREJUDICE

Plaintiff filed its complaint on March 22, 2010, with service to be completed by July 23, 2010. On August 27, 2010, Plaintiff was granted leave through and including September 20, 2010, within which to serve defendants (Doc. 6). On September 20, 2010, Plaintiff filed a return of service indicating that service had been mailed to defendant William Bowers at his last known address (Doc. 8). Also on September 20, 2010, Plaintiff filed a return of service for Defendant Eric Holder, Jr., but did not specify how service was forwarded (Doc. 7). On October 12, 2010, Defendants filed a motion to dismiss for failure to effect proper service (Doc. 9). Plaintiff has failed to respond to the motion.

In their motion to dismiss, Defendants acknowledge that the Attorney General received a copy of the summons and complaint by certified mail on September 27, 2010 and the Kansas City Field Division Office of the Bureau of Alcohol, Tobacco, Firearms and Explosives received a copy of the summons and complaint addressed to Williams Bowers by certified mail on September 21, 2010. Regardless of these Defendants being served past the deadline set by the Court (Doc. 6), the Court finds that Plaintiff has failed to serve the United States Attorney pursuant to Fed. R. Civ. P. 4(i). Accordingly, it is hereby

ORDERED that Defendants' motion to dismiss is granted. This case is dismissed without prejudice pursuant to Rule 4(m).

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT

Date: November 22, 2010